

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and

Complaint Against

CLIFFORD CARROL, M.D.,

Respondent.

Case No. 08-20231-1

FILED November 24, 2008

CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Board of Medical Examiners of the state of Nevada, composed of Charles N. Held, M.D., Chairman, Cindy Lamerson, M.D., Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Respondent Clifford Carrol, M.D. has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Carrol is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, at the time of the incidents in question.

2. At all times pertinent to this matter, Dr. Carrol held an ownership interest in the Endoscopy Center of Southern Nevada, LLC, hereinafter referred to as "ECSN," located at 700 Shadow Lane in Las Vegas, Nevada.

3. As one of the owners of ECSN, Dr. Carrol was in a position to be involved in and responsible for the medical, clinical, and administrative decisions by which the ECSN practice was operated, which included how many patients would be treated on a daily basis, how and what anesthesia would be administered for the procedures, how the procedures would be

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1 conducted, how the equipment used in the procedures would be maintained and cleaned, and all
2 other similar decisions.

3 **Count I**

4 4. Patient A was a fifty-six-year-old male at the time of the matter in question. His
5 true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient
6 Designation served on Dr. Carrol along with a copy of this Complaint.

7 5. Patient A was an establish patient of Dr. Carrol's and on August 13, 2007
8 presented for a consultation/follow up. Dr. Carrol noted in the medical record that Patient A had
9 hepatitis C and that his blood work related to this was unchanged as compared to blood work
10 from 2005. In this same record Dr. Carrol recommended a screening colonoscopy.

11 6. On September 21, 2007, Dr. Carrol performed a colonoscopy upon Patient A at
12 ECSN .

13 7. Subsequently, several patients who had procedures performed after Patient A on
14 September 21, 2007, tested positive for hepatitis C. The hepatitis C virus contracted by these
15 patients is genetically linked and can be traced back to Patient A.

16 8. Dr. Carrol was the physician responsible for the colonoscopy performed upon
17 Patient A on September 21, 2007 and was, thus, ultimately responsible for the care provided to
18 Patient A. Under Dr. Carrol's care, the hepatitis C virus carried by Patient A was transmitted to
19 other patients undergoing procedures at ECSN.

20 9. The hepatitis C virus carried by Patient A was allowed to be transmitted to other
21 patients at ECSN after Patient A underwent a colonoscopy at ECSN on September 21 2007, due
22 to unsafe practices and policies including, but not limited to, unsafe injection practices, reuse of
23 equipment intended to be single-use, inappropriate cleaning of scopes used in procedures, and an
24 extremely high daily volume of patient procedures.

25 10. Nevada Revised Statutes (NRS) 630.301(4) provides that malpractice is grounds
26 for initiating disciplinary action against a physician. Nevada Administrative Code (NAC)
27 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the
28 reasonable care, skill, or knowledge ordinarily used under similar circumstances.

11. Dr. Carrol violated NRS 630.301(4) when he failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when the hepatitis C virus carried by Patient A was allowed to be transmitted to other patients of ECSN for the reasons stated above, after Patient A was under Dr. Carrol's care at ECSN for a colonoscopy.

12. By reason of the foregoing, Dr. Carrol is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count II

13. Patient B was a thirty-seven-year-old female at the time of the matter in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Carrol along with a copy of this Complaint.

14. On September 21, 2007, Dr. Carrol performed a colonoscopy on Patient B at ECSN.

15. Subsequent to the colonoscopy performed by Dr. Carrol, Patient B tested positive for hepatitis C, although prior to the procedure, Patient B was not known to have hepatitis C.

16. Dr. Carrol was the physician responsible for the colonoscopy performed upon Patient B on September 21, 2007 at ECSN and was, thus, ultimately responsible for the care provided to Patient B. In Dr. Carrol's care, Patient B contracted hepatitis C at ECSN.

17. Patient B contracted hepatitis C while at ECSN for her colonoscopy due to unsafe practices and policies including, but not limited to, unsafe injection practices, reuse of equipment intended to be single use, inappropriate cleaning of scopes used in procedures, and an extremely high daily volume of patient procedures.

18. The hepatitis C virus contracted by Patient B is genetically linked and can be traced to a known hepatitis C positive patient, namely Patient A, who underwent a procedure at ECSN on September 21, 2007 prior to the colonoscopy Dr. Carrol performed upon Patient B.

19. NRS 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a physician. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

20. Dr. Carrol violated NRS 630.301(4) when he failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when Patient B contracted hepatitis C for the reasons stated above, while under Dr. Carrol's care at ECSN for a colonoscopy.

21. By reason of the foregoing, Dr. Carrol is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count III

22. NRS 630.306(7) provides that the continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field is grounds for initiating discipline.

23. Dr. Carrol violated NRS 630.306(7) when he failed to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field when, under his care and by his conduct as outlined above, the hepatitis C virus carried by Patient A was transmitted to other patients at ECSN on September 21, 2007 including Patient B.

24. By reason of the foregoing, Dr. Carrol is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count IV

25. NRS 630.301(9) provides that the engaging in conduct that brings the medical profession into disrepute is grounds for initiating disciplinary action.

26. Dr. Carrol violated NRS 630.301(9) by owning and participating in a medical practice, namely ECSN, which made medical, clinical, and operational decisions that created the conditions in which, while performing routine colonoscopies on September 21, 2007, Dr. Carrol's treatment and care of Patients A and B resulted in the hepatitis C virus carried by Patient A being transmitted to other patients including Patient B thus bringing the medical profession into disrepute.

27. By reason of the foregoing, Dr. Carrol is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

1 **WHEREFORE**, the Investigative Committee prays:

2 1. That the Nevada State Board of Medical Examiners fix a time and place for a
3 formal hearing;

4 2. That the Nevada State Board of Medical Examiners give Dr. Carrol notice of the
5 charges herein against him, the time and place set for the hearing, and the possible sanctions
6 against him;

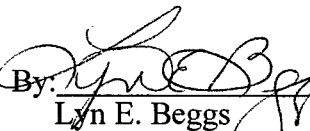
7 3. That the Nevada State Board of Medical Examiners determine what sanctions it
8 determines to impose for the violation or violations committed by Dr. Carrol;

9 4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr.
10 Carrol its findings of facts, conclusions of law and order, in writing, that includes the sanctions
11 imposed; and

12 5. That the Nevada State Board of Medical Examiners take such other and further
13 action as may be just and proper in these premises.

14 DATED this 24th day of November, 2008.

15 INVESTIGATIVE COMMITTEE OF
16 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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18 By: 

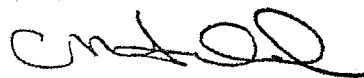
19 Lyn E. Beggs
20 Attorney for the Investigative Committee of the Nevada
21 State Board of Medical Examiners
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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the complaint against the Dr. Carrol herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Dr. Carrol, he believes that the allegations and charges in the foregoing Complaint against Dr. Carrol are true, accurate, and correct.

DATED this 24th day of November, 2008.



CHARLES N. HELD, M.D.


CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 24th day of November 2008, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, NOTICE OF PREHEARING & HEARING, along with a copy of the appointment letter, by mailing via USPS certified return receipt to the following:

Clifford Carrol, M.D.
c/o Frank J. Cremen, Esq.
715 South 4th St.
Las Vegas, NV 89101

Clifford Carrol, M.D.
5915 S. Rainbow Blvd. Ste. 105
Las Vegas, NV 89118

Dated this 24th day of November 2008.



Angelia Donohoe
Legal Assistant